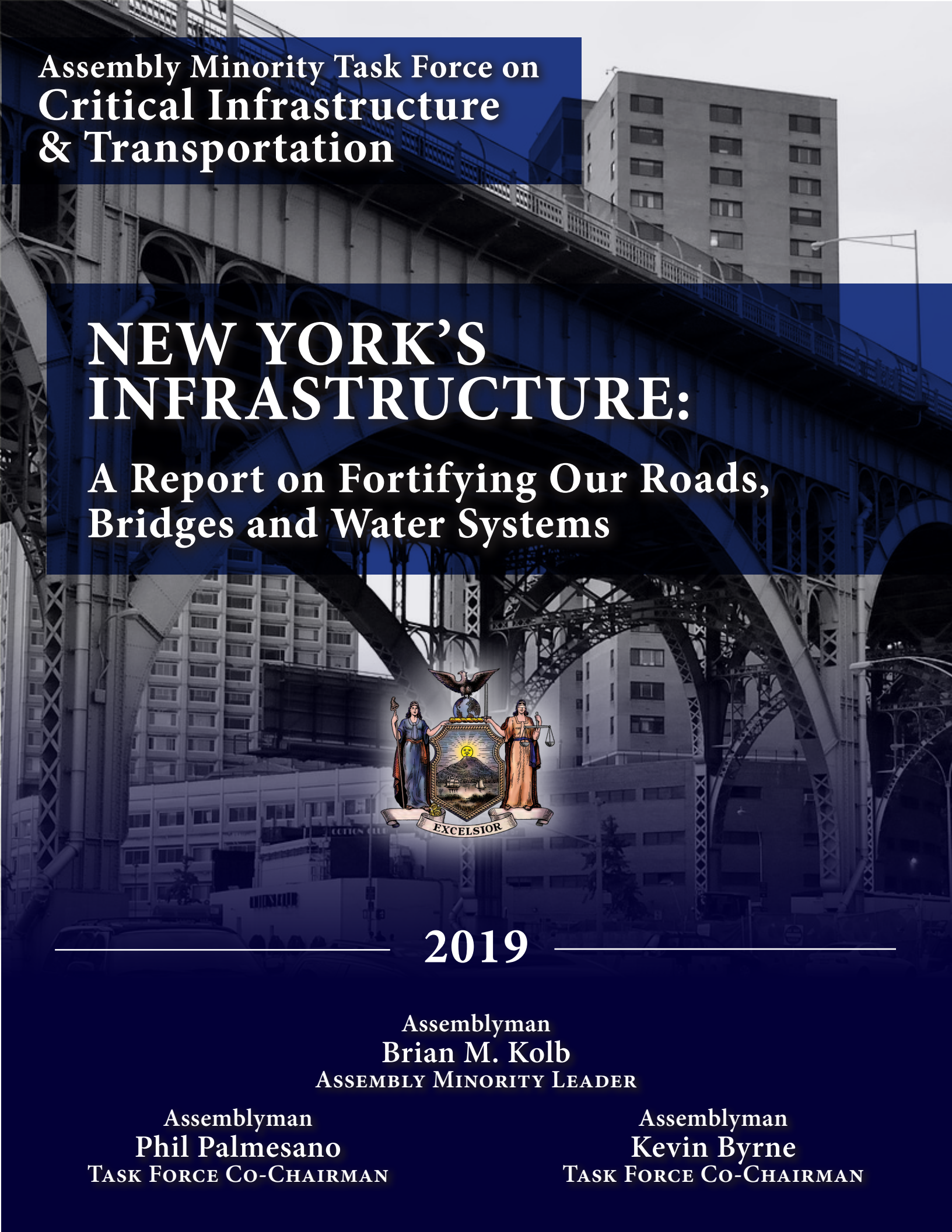

Assembly Minority Task Force on
Critical Infrastructure
& Transportation

NEW YORK'S INFRASTRUCTURE:

A Report on Fortifying Our Roads, Bridges and Water Systems

2019

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Brian M. Kolb
Assembly Minority Leader

Assemblyman
Phil Palmesano
Task Force Co-Chairman

Assemblyman
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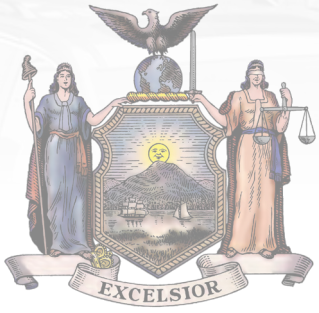


INTRODUCTORY LETTER

FROM TASK FORCE CO-CHAIRMEN ASSEMBLYMAN PHIL PALMESANO ASSEMBLYMAN KEVIN BYRNE

Localities across the state have some of the oldest infrastructure in the country, and it is woefully inadequate to serve our ever-growing needs. As of October 2017, more than 1 in 10 state and local bridges were not up to federal standards. In response to New York's infrastructure crisis, the *Assembly Minority Task Force on Critical Infrastructure and Transportation* was created specifically to address the condition of the state's roads and bridges and water and sewer systems.

To better understand the problems associated with the state's failing infrastructure and the unique needs of the municipalities around the state, this past fall, the task force conducted eight regional public forums. From Long Island to Western New York, we listened to and gathered feedback from stakeholders, including state and local highway representatives, first responders, community partners and industry professionals.

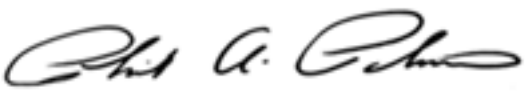
During these forums, participants provided testimony and talked to us about the challenges they face on a day-to-day basis. With a growing need for capital projects, upgrades and investments, many of which are simply too costly or complex for local municipalities to handle on their own, the task force's goal was to listen to the concerns of and input from stakeholders about how to best address the serious challenge of improving the state's infrastructure and transportation systems, particularly on the local level.

The goal of the task force, and each regional forum, was to identify common and unique issues surrounding funding, mandated rules and regulations, long-range planning, public safety and other critical infrastructure and transportation-related areas.

After reaching out to and meeting with several hundred professionals and individuals with firsthand experience in the infrastructure, transportation and construction industries, this report details the task force's findings and offers a number of targeted solutions aimed at addressing this critical issue in the short and long term.

We look forward to sharing the Assembly Minority Conference's solutions to, and identifying the Legislature's responsibility for, this public safety issue with Governor Cuomo and his administration, our colleagues in the state Assembly and Senate and with the stakeholders who so willingly shared with us their input and experiences.

Sincerely,



Assemblyman Phil Palmesano

132ND ASSEMBLY DISTRICT

Assemblyman Kevin Byrne

94TH ASSEMBLY DISTRICT

EXECUTIVE SUMMARY

Transportation infrastructure is an integral part of New York State, connecting 19.85 million New Yorkers to the 47,126 square miles of land we call home. Every day, New Yorkers depend on reliable transportation infrastructure to seek opportunities, to access healthcare, and to receive education. Effective and safe transportation infrastructure is also vital to New York's economy, allowing businesses to operate, goods and services to move freely, and workers to access current jobs and new prospects. Each year, transportation infrastructure allows more than $1 trillion in goods to be shipped to and from the state. What's more, not only does transportation infrastructure play a leading role in maintaining a vibrant and robust economy, investment in this sector pays dividends. The Federal Highway Administration (FHWA) estimates that for every $1 spent on road, highway, and bridge improvements, there is an average benefit of $5.20 yielded from reduced congestion, lower vehicle maintenance costs, and lower road and bridge maintenance costs.[1] In places not easily accessible to public transportation, people especially rely on roads and bridges to achieve a good quality of life.

Because of the clear importance of safe and dependable transportation infrastructure, every New Yorker should be concerned about the current condition of the state's roads and bridges. CNBC's 2018 study, *Top States for Business*, ranked New York's infrastructure as 7th worst in the country due to the poor state of road, bridge, and water system conditions.[2]

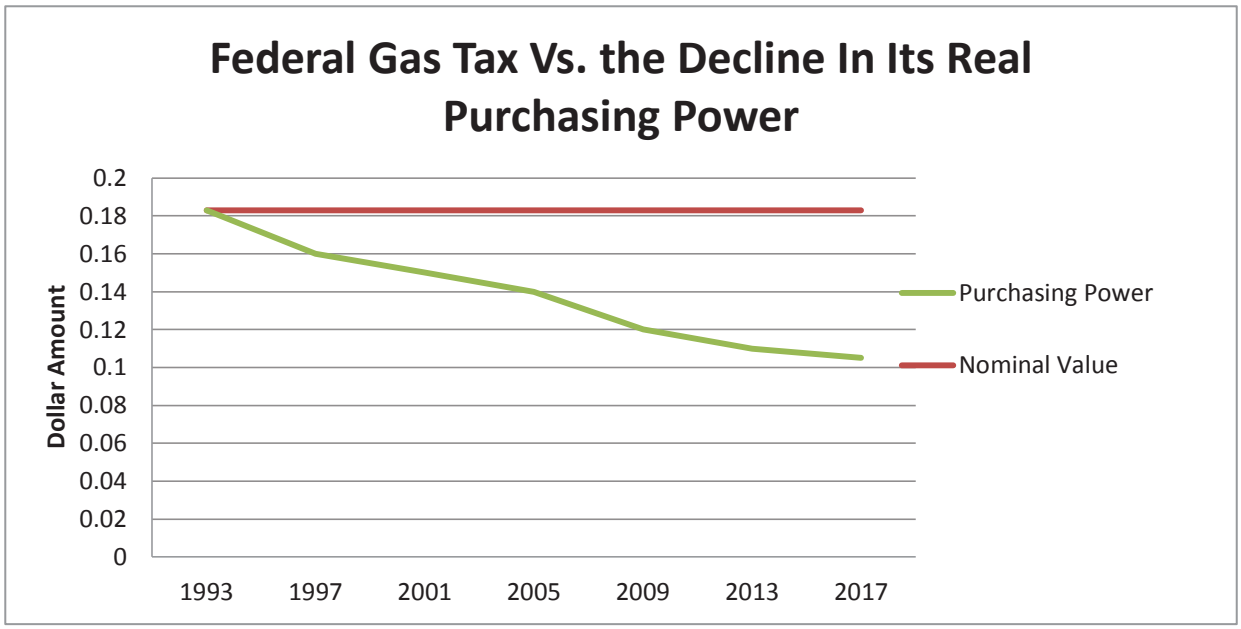
CATEGORY	SCORE	2018 RANK	2017 RANK	GRADE
Workforce	224	32	39 (Tie)	C+
Infrastructure	158	44	45	D
Cost of Doing Business	110	42	47	D
Economy	156	23	33	C+
Quality of Life	202	14	19	B-
Technology & Innovation	172	4	8	A+
Education	149	3	5 (Tie)	A
Business Friendliness	24	48	45 (Tie)	F
Access to Capital	97	2	2	A+
Cost of Living	4	47	49	F
Overall	1296	27	38	-

Source: CNBC

According to a 2016 report from TRIP, a national transportation research group, deficient roads cost New Yorkers $24.9 billion a year in vehicle operating costs, congestion-related delays, and traffic crashes.[3] New Yorkers also have the longest commutes of any state in the country,

averaging 32.6 minutes each way.[4] In 2017, John J. Shufon noted in his report, *Road to Ruin*, the backlog of repair work for the 15,097 centerline highway miles owned by the state was estimated at $5.5 billion, up from $4.3 billion just two years prior.[5] This is especially troubling because the state's share of highway ownership is only a fraction of that owned by local governments. Local governments own more than 97,000 centerline highway miles and, due to funding constraints, these highways are often in worse condition than those owned by the state.[6] Unfortunately, bridges in the state are in a similar state of crisis. In 2017, the Office of the State Comptroller (OSC) sounded the alarm on the deteriorating condition of local bridges, citing a cost of $27.4 billion needed to repair 8,834 bridges owned by local governments.[7] Repairing all 17,456 bridges in New York State is estimated to cost a staggering $75.4 billion. Furthermore, the federal government classifies 10.5 percent of New York's bridges as structurally deficient, the 10th most of this type in the country.[8] Statewide, 91 bridges are currently closed, leading to longer commutes and increased difficulty accessing basic necessities including healthcare and education.

While the need is clear and great, securing adequate funding for transportation infrastructure is a never-ending battle. The Dedicated Highway and Bridge Trust Fund (DHBTF), the state's primary transportation infrastructure funding mechanism, has been heavily scrutinized in recent years for its inability to adequately fund capital investments. Since 2005, OSC has issued three separate reports analyzing the DHBTF, most recently projecting that in SFY 2018-19 capital spending would comprise only 19.2 percent of disbursements with debt service costs comprising 42.2 percent and state operations costs comprising the other 38.6 percent. Federal funding has also faltered, in large part due to policy surrounding the no longer effective Highway Trust Fund (HTF)—the main source of funding for federal investments in road, bridge, and transit infrastructure. Approximately 90 percent of the HTF is funded through the motor fuels tax, which taxes gasoline at a rate of 18.3 cents per gallon and diesel fuel at a rate of 24.3 cents per gallon.[9] However, this tax rate has not increased since 1993, and as a result has 40 percent less purchasing power than it did in that year.[10]



These issues have jeopardized the physical and financial health of New Yorkers, and to ensure the state's roads, bridges, and critical infrastructure remain safe and reliable, this past fall, the *Assembly Minority Task Force on Critical Infrastructure and Transportation* held eight forums throughout the state to listen to local officials, highway superintendents, first responders, affected drivers, and business owners about their firsthand experiences. Task force Co-Chairmen Assemblymen Phil Palmesano and Kevin Byrne traveled the state to listen to transportation and critical infrastructure concerns to help develop solutions that safeguard our infrastructure assets and keep our residents and businesses moving freely and safely across the state.

Testimony provided at the forums confirmed that efforts to fix New York's transportation infrastructure depend on cooperation and commitment from every level of government, from village departments of public works up to the FHWA. Although the average driver may not discern a physical difference when driving over a state- or locally-owned road or bridge, the priorities, resources, and strategies that construct and maintain these roads can differ greatly. To reverse the trend of infrastructure deterioration, cooperation and communication between all levels of government must be open and proactive. Most stakeholders spoke favorably of the working relationships with the New York State Department of Transportation (NYSDOT), illustrating that the genesis of the transportation and critical infrastructure crisis lies not with those doing the work, but rather with the planning, funding, and policies that dictate work.

One sentiment was echoed unanimously at every forum; there is a crucial need for the state to forge a stronger partnership with municipalities and provide more robust and more consistent funding for local road, bridge, and water infrastructure. Nearly nine out of every 10 roads in the state are maintained under local jurisdiction, totaling more than 97,000 centerline miles owned by local governments (as compared to just over 15,000 lane miles owned by the State).[11] Additionally, of the 17,462 bridges in the state, half, or 8,834, are owned by local governments. Funding for local critical and transportation infrastructure was the most prevalent issue raised during the course of the forums. New York State, like many states across the country, is struggling to provide an adequate investment to maintain and improve its infrastructure assets. This was expressed by those who are on the ground, stretching budgets, searching for cost-saving techniques, and sounding the alarm about how past and present funding simply has not kept up with the extent of need. Mayors, engineers, department of public works (DPW) supervisors, and highway superintendents all shared stories about the difficulties of protecting such expensive and important assets with increasingly tight budgets that often make it difficult to simply maintain their systems, much less improve them. One highway superintendent stated, "We're just keeping our heads above water." All municipalities across the state rely on Consolidated Local Street and Highway Improvement Program (CHIPS) funding to carry out maintenance and rehabilitation projects, and for some, it is the sole source of their paving budget. The yearly CHIPS base funding has only increased $75 million in the past 10 years—from $363 million in SFY 2008-09 to $438 million in SFY 2018-19— and the rising costs of construction labor, materials, and state-mandated rules and regulations have prevented localities from getting ahead. New programs included in

> "I CAN'T STRESS ENOUGH HOW LITTLE OF THE CHIPS MONEY OR FUEL TAX MONEY ACTUALLY MAKES IT DIRECTLY ONTO OUR ROADS… IT WAS MEANT TO BE FOR CAPITAL IMPROVEMENTS…WE JUST CAN'T MAINTAIN MOVING FORWARD."
>
> - ANDY AVERY
> CHEMUNG COUNTY DEPARTMENT OF PUBLIC WORKS COMMISSIONER

the 2015-20 NYSDOT Capital Program, such as PAVE-NY and BRIDGE NY, have largely been seen as welcome and successful programs that localities now rely on as part of their infrastructure funding. In addition to ensuring that these programs are part of the next NYSDOT Capital Program, increasing funding for CHIPS, water and sewer, and culverts will be vitally important in the continuing fight to safeguard infrastructure assets. In order to accomplish this goal, it should be understood that achieving parity between the next NYSDOT and Metropolitan Transportation Authority (MTA) Capital Programs is a necessity. The MTA is a vital transportation asset and its importance to New York City and the New York Metropolitan area cannot be understated. However, just as the MTA serves so many downstate residents, the network of local- and state-owned roads and bridges is equally as important to residents and businesses across the state, particularly upstate. To safeguard these systems, parity must be achieved.

Although the funding that Regional DOTs, highway superintendents, and DPWs have at their disposal is already limited, an increasingly complex web of rules and regulations has further eroded their ability to complete projects. Securing funding is an arduous task, and the number of rules and regulations that must be complied with often eat substantially into budgets meant for much-needed construction. Compliance with these rules and regulations is costly and can delay projects by months, even years. Procedures for Locally Administered Federal Aid Projects guidelines, prevailing wage rates, Americans with Disabilities Act compliance, Minority- and Women-Owned Business Enterprise Program requirements, Department of Environmental Conservation regulations, and BRIDGE NY application processes were all cited as issues that localities have trouble complying with in a timely and cost effective manner. As municipalities are facing the difficulty of meeting the ever growing list of needs with stagnant budgets, rules and regulations need to be assessed for their viability, necessity, and ability to benefit those the projects are intended to serve. The excessive number and undue complexity of many of these rules and regulations have proven, in many cases, to hamper the success of projects rather than add to them.

The status of water and sewer infrastructure was also brought up by officials throughout the forums. Although these infrastructure assets are less visible than the state's roads and bridges, their value and importance to communities and businesses is no less. Throughout the forums, participants spoke about the necessity of investing in systems that are desperately in need, especially older systems. For example, at one forum, an engineer noted the city's sewer system was built largely before 1940. Others discussed water infrastructure consisting of clay pipes and materials containing asbestos, and while not currently dangerous, they clearly indicate how antiquated our water and sewer infrastructure is in some areas. Additionally, participants

expressed concerns about water and sewer infrastructure quality having the ability to either attract or repel businesses. For many municipalities across the state, the present condition of these assets has become yet another deterrent to attracting businesses, thereby hampering the economic viability of the immediate area. Throughout the forums, many were proponents of using a CHIPS-like formula to help ensure localities have the requisite funding to repair and upgrade these assets.

Finally, long-range planning was also seen as a crucial component to rebuilding our critical and transportation infrastructure. New York State currently lacks a long-term strategic vision for its transportation infrastructure, due in large part to a disregard for long-range planning. To this point, the state's last strategic plan was released in 2006, and has not been revised or updated in the 13 years since. Beyond long-range planning, the current NYSDOT Capital Program process ignores best practices and has been influenced by past legislative negotiations rather than focusing on the state's infrastructure needs. New Yorkers deserve a capital program and long-range plan that are transparent, as well as need- and data-based. The future economic and social ramifications are too great to allow the state's continued failure to create and execute a strategic vision.

TIMELY, TRANSPARENT REPORTING AND ANALYSIS OF CURRENT AND FUTURE CONDITIONS

When the most recent NYSDOT Five-Year Capital Program was signed into law in 2016, a Memorandum of Understanding (MOU) required NYSDOT to issue Highway Pavement and Bridge Condition Reports annually by July 15 for the years covered by the program. These annual reports, provided to legislative leaders detailing the status of the state's roads and bridge conditions, were to serve as a tool to ensure progress was being made toward improving conditions and to demonstrate that the state was making necessary progress toward reaching system-conditions goals. These reports were also supposed to provide readily available public information about the status of the transportation system and capital program funded by state taxpayer dollars.

While NYSDOT made good on the commitment in the initial year the report was required (2016-17), two years have subsequently come and gone without any further update from NYSDOT, a clear violation of the original MOU. As a result of NYSDOT's failure to provide easily accessible reports for legislative leaders and the public, an unnecessary impediment to establishing the support required for much-needed future investment has been realized. Asking the public to invest their money and trust in the future of New York State's transportation infrastructure when they are unable to see the outcome of prior investment is unfair, to say the least. High-quality transportation infrastructure provides extraordinary social and economic returns to municipalities; however, without providing assurances that funding is being invested properly, there is little reason to believe there is confidence in the merits of continued investment.

Additionally, accurate reporting aids experts and lawmakers in the transportation infrastructure planning process. To achieve cost-effective, forward-thinking and efficient transportation infrastructure goals in the future, detailed, data-driven planning is important. Only with accurate and abundant reporting will it be possible to create and follow through on plans that achieve these goals. From travel options to potential business locations, the infrastructure choices we make play a large role in determining the future of a region. The decisions made now will affect the lives of New Yorkers for decades to come, and accurate and detailed reporting must play a leading role in ensuring infrastructure-related projects are as achievable and beneficial as possible.

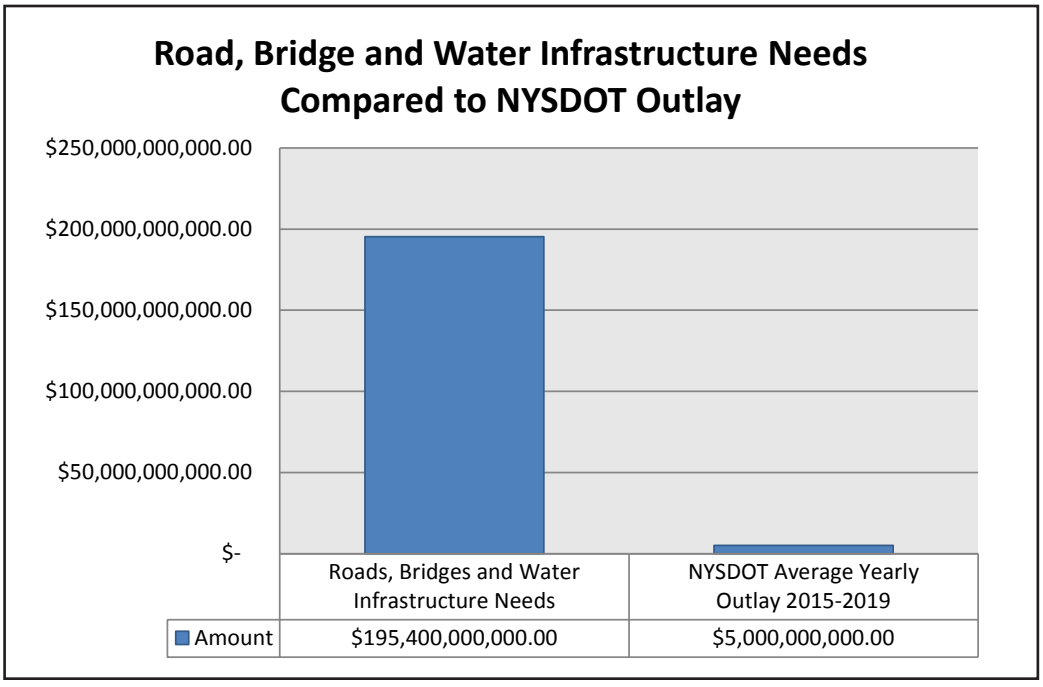
SOLUTIONS:

- Statutorily require that NYSDOT release a report each year detailing the condition of state-owned roads and bridges

RELIABLE AND ADEQUATE INVESTMENT

In 2016, TRIP noted that without "a substantial boost in transportation funding, numerous projects to improve the condition and expand the capacity of New York's roads, bridges, and transit systems will not be able to proceed, hampering the state's ability to improve the condition of its transportation system and to enhance quality of life and economic development opportunities in the state."[12]

Years of deferred maintenance, shirked responsibility, and unsound financial foresight have led New York State to this critical moment; transportation infrastructure funding can be ignored no more. Put plainly, in 2015, the American Society of Civil Engineers (ASCE) forecasted road needs of $40 billion by 2030 just to maintain current conditions. In 2017, Department of Environmental Conservation Commissioner Basil Seggos forecasted waste and drinking water needs of $80 billion over 20 years.[13] In 2017, OSC forecasted total bridge needs of $75.4 billion.[14] To put these needs in perspective, NYSDOT's 2015-20 Capital Program has allocated just over $5 billion per year for all work.[15] There is no quick solution that delivers more than $100 billion for all needed repairs to our critical infrastructure. However, if we don't focus on finding impactful funding solutions now, needs will only continue to grow and become harder to address.



At every forum, participants voiced concerns about waning investment and the pressing concern to secure funding sources that more closely match real needs. Current funding levels especially stretch the ability of localities to oversee the assets they own. During the forums, officials reported they are experiencing difficulty simply maintaining the current quality of roads and bridges, let alone bringing their systems back into a state of good repair. One DPW representative reported that even though the town he worked for has conducted technical needs assessments to target roads with the greatest need, due to funding constraints he still expected to see increases

in the number of roads rated "fair" to "poor." Municipalities across the state are fighting simply to stop further deterioration of roads and bridges; they are unable to catch up to the systems' needs because the current levels of investment are inadequate.

Lack of transportation infrastructure funding has reached critical mass at every level, particularly at the local level. Local roads constitute almost 90 percent of total centerline mileage in the state (97,584 local-owned centerline miles vs. 15,097 state-owned[16]), yet their maintenance and reconstruction is continuously underfunded. In 2013, it was estimated that another $1.3 billion was needed annually in additional local highway aid.[17] In 2012, OSC made the local jurisdiction funding gap plain by issuing a report, *Growing Cracks in the Foundation: Local Governments are Losing Ground in Addressing Vital Infrastructure Needs*. In 2014, OSC issued a follow-up report which said, "Over the past several years, local governments have been challenged to adequately maintain and improve these [roads, bridges, and water and sewer] systems. Without significant changes, local governments may have difficulty meeting future infrastructure investment needs."[18] However, in the four years since that report was issued, only minor progress has been made toward increased road and bridge funding for localities. The annual apportionment for CHIPS was increased in SFY 2013-14 by $75 million to a total of $438.1 million, a level where it remains today. The Extreme Winter Recovery program was instituted in SFY 2014-15, and has been funded at various levels ranging from $0 in SFY 2016-17 to $65 million in SFY 2017-18 and SFY 2018-19. Additionally, the current NYSDOT Capital Program includes $100 million annually for localities from SFY 2015-16 to SFY 2019-20 through the PAVE-NY program. While all of these programs are now a vital part of local infrastructure funding, a tremendous gap still remains. While in recent years there has been bipartisan support for substantially increasing the CHIPS program, more must be done. Unfortunately, for every year funding solutions fail to fill the gap, the extent of the need will continue to grow.

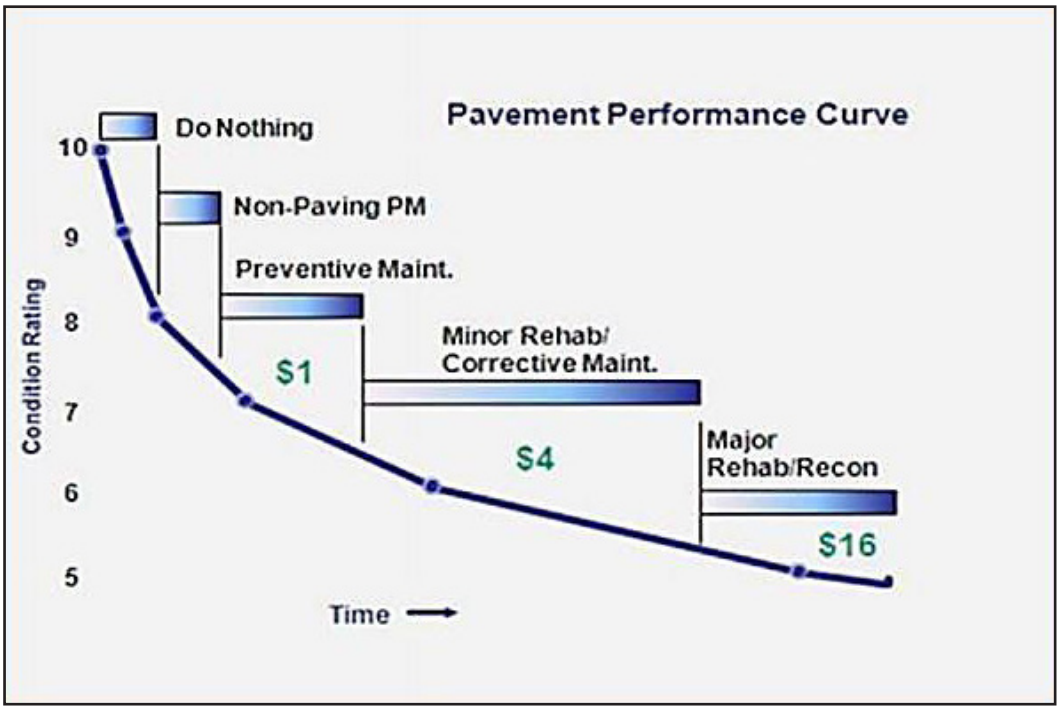
Bridges and culverts across the state are also in need of immediate attention. Of the 17,462 bridges in the state, half (8,834) are owned by local governments, and of those, 12.8 percent are structurally deficient and 20.7 percent are functionally obsolete.[19] It is critical that bridges be maintained properly, not only because they provide critical access, but because the consequences are far too grave should they fail. According to the OSC report, *Local Bridges by the Numbers*, "it is not difficult to describe the status of local bridges. Finding funding to address the areas of concern revealed by this monitoring, however, is an ever-present concern."[20] Culverts and bridges are expensive assets to build and maintain; in many cases local ownership of these assets creates fiscal stress for municipalities that can lead to deferred maintenance. At the forums, participants discussed a CHIPS-like formula, based on the length of the total number of culverts in a municipality, designed specifically for culverts. This formula would mitigate deferred maintenance issues and also provide much-needed aid to municipalities.

"CULVERTS RIVAL THE COST OF BRIDGES IN MANY CASES AND FOR A LOT OF US RIGHT NOW THAT'S THE ONE AREA WE REALLY NEED TO PUT OUR MONEY TOWARD."

- BILL WRIGHT
ONTARIO COUNTY COMMISSIONER OF PUBLIC WORKS

Allowing needs gaps, particularly at the local level, to persist only further degrades the ability to bring the system back to a state of good repair. This is true, in part, because it is far more cost effective to adequately maintain transportation infrastructure than to engage in cycles of deterioration and reconstruction. NYSDOT's pavement performance curve estimates that minor rehabilitation and corrective maintenance costs four times as much as preventative maintenance, while major rehabilitation and reconstruction costs 16 times as much as preventative

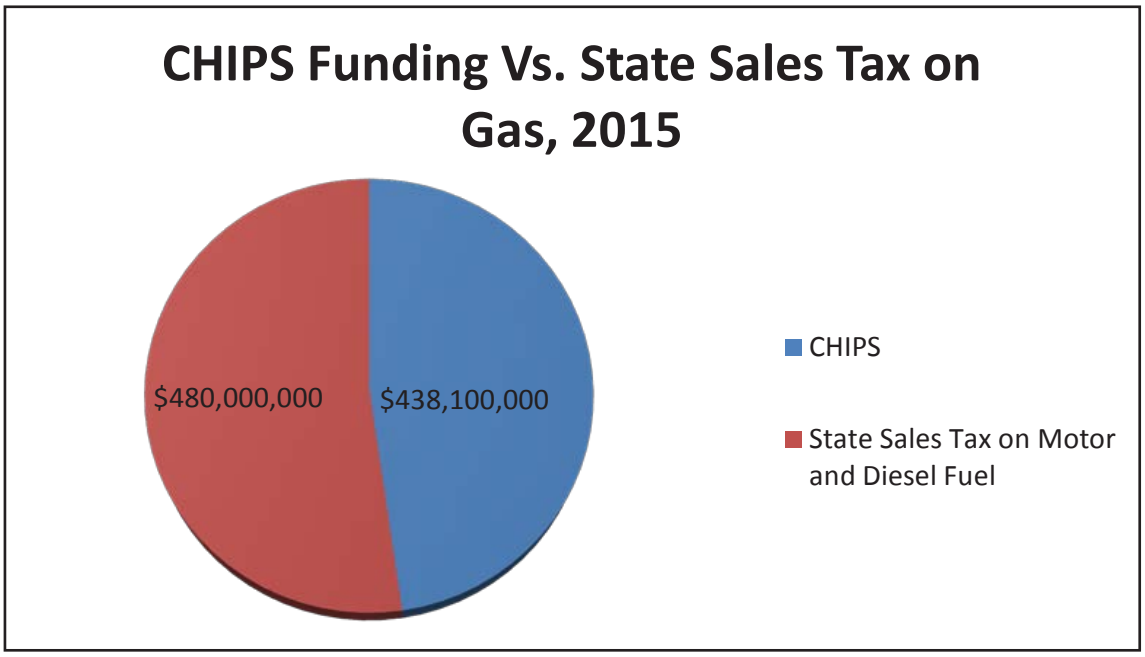
maintenance.[21] When it comes to transportation infrastructure, proper investments made today ensure the state and municipalities can avoid exponentially greater costs in the future.



Source: Rebuild NY Now

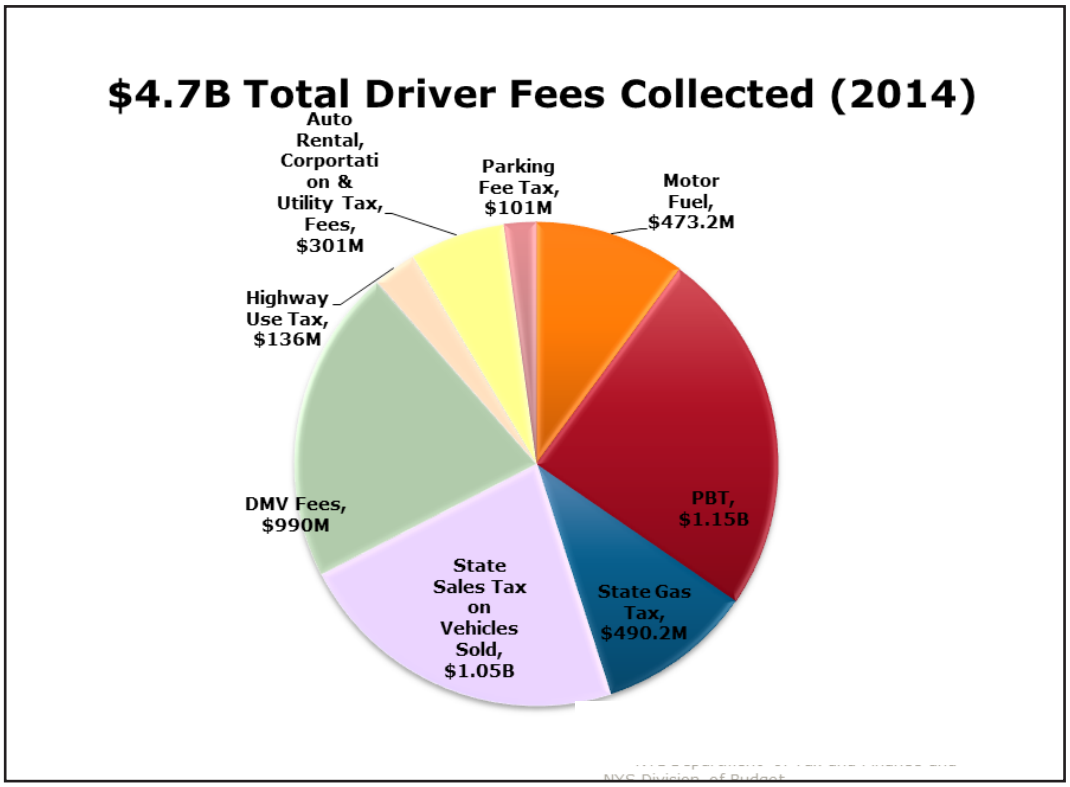
To ensure proper funding remains available, there must be an assurance that dedicated revenue sources are identified and stable. Traditionally, transportation infrastructure funding at the state and federal levels has been supported in large part by the gas tax. However, there is widespread belief that reliance on the gas tax to fund transportation infrastructure projects is a dying system in need of reform; gas tax revenue is inadequate and unable to support the level of infrastructure investment needed. As technology allows cars to achieve more efficient gas mileage rates, and consumers purchase more hybrid or electric vehicles, revenue gained through both federal and state gas taxes has decreased. In addition, the federal gas tax has remained at the same level since 1993, with little hope of raising it to match its pre-inflationary value. Although the federal government has been reluctant to raise gas taxes, the same cannot be said for states. Since 2013, 28 states including California, New Jersey, and Massachusetts have passed laws that will, or may, increase overall state gas taxes. While raising state gas tax rates may not be a feasible option for New York—it already has some of the nation's highest tax rates on motor fuel—redistribution of the existing state gas tax funding may be possible as not all of the revenue from the motor fuels tax goes to transportation. Part of the state tax on motor fuels, the state sales tax ($0.08 per gallon and $0.0875 per gallon in the MTA region), does not go to transportation at all, but is deposited into the General Fund. In 2015, the state sales tax on motor fuel amounted to $480 million. Although an additional $480 million yearly will not solve all of New York's transportation funding issues, it is more than the $438.1 million in CHIPS funding that local governments heavily rely on every year for road and bridge maintenance and construction. Redistributing the current division of the New York State motor fuels tax may provide a potential transportation funding solution without having to raise

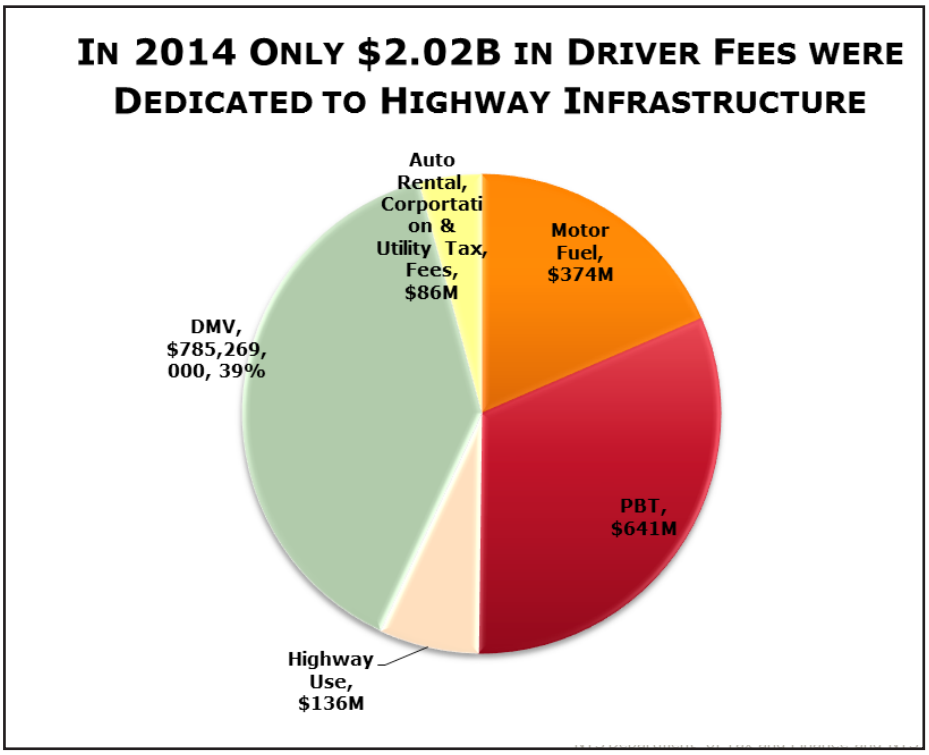
the gas tax. Bill A.3871 (Palmesano; 2017-2018) would reallocate a portion of the sales tax on motor fuels to the DHBTF rather than the General Fund where it currently is deposited.



The redirection of driver-related fees and taxes away from transportation infrastructure does not end with the state sales tax on motor fuel. In 2014, more than $4.7 billion was collected in driver-related taxes and fees, yet only $2.02 billion of the amount collected was dedicated to transportation infrastructure.[22]

Source: Highway Superintendents Association





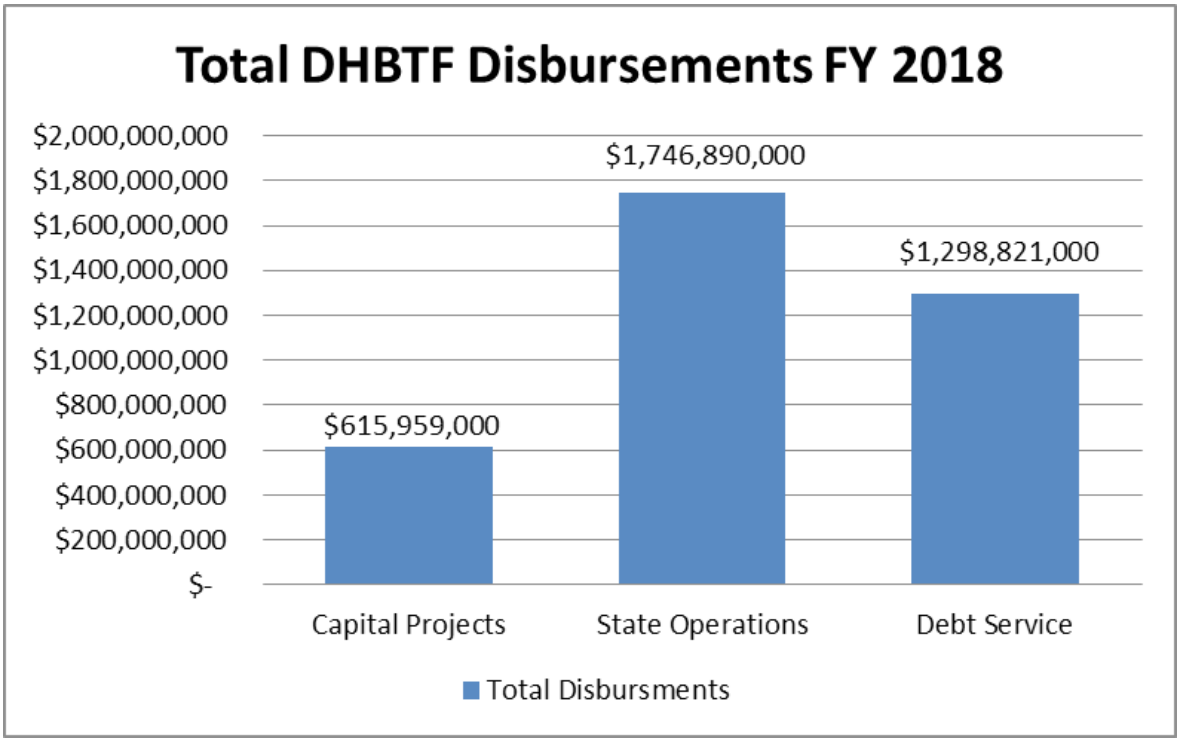
Source: Highway Superintendents Association

At a time when so many bridges and roads need investment in order to ensure residents and economies are productive, the dedicated revenues should be increased rather than be used for other unrelated purposes. When public transportation is not available, many must own and rely on personal vehicles to get to work, school, seek medical care, and contribute to the economy. In addition, there are countless businesses whose trucks and work vehicles rely on roads and bridges every day. New Yorkers pay billions every year in fees and taxes, yet many of those fees are used to fund programs unrelated to highway infrastructure. For example, the state collects more than $1 billion annually from the 4 percent sales tax on motor vehicles sold. However, none of the money generated from this tax is dedicated to infrastructure. Instead, it is split between the General Fund and revenue bonds. Additionally, the Petroleum Business Tax, which is collected at the rate of 16.9 cents per gallon on motor fuel and 15.15 cents per gallon on diesel fuel, is used not just for the DHBTF, but also the Mass Transportation Fund and the Mass Transportation Operating Assistance Fund. There is no question mass transportation systems across the state must be supported; however, support for these systems should not come at the cost of well-maintained roads and bridges. The following chart illustrates how much was collected in driver-related taxes and fees and how much was allocated to the DHBTF in FY 2018.

Dedicated Highway and Bridge Trust Fund, FY 2018			
Taxes and Fees	**Total Collected**	**Amount to DHBTF**	**% to DHBTF**
Auto Rental Tax	$ 123,000,000.00	$ 77,978,000.00	63%
Corporation and Utility Tax	$ 748,000,000.00	$ 13,778,000.00	2%
Highway Use Tax	$ 93,000,000.00	$ 91,426,000.00	98%
Motor Fuel Tax	$ 512,000,000.00	$ 403,126,000.00	79%
Motor Vehicle Fees	$ 1,499,000,000.00	$ 833,084,000.00	56%
Petroleum Business Taxes	$ 1,090,000,000.00	$ 608,034,000.00	56%

Another issue surrounding the funding for transportation infrastructure is the complicated give-and-take process between the different funds the state draws upon. For example, much of the money from driver-related taxes and fees that is directed away from transportation infrastructure goes to the General Fund to fund a number of other programs. However, in order to support the DHBTF every year, hundreds of millions of taxpayer dollars are sent back from the General Fund. For SFY 2018-19, this transfer was approved for up to $265.9 million, which is actually a decrease of 63 percent from the prior year due to the redirection of certain NYSDOT and Department of Motor Vehicles (DMV) operational activities.[23] This accounting mechanism, directing driver fees to the General Fund only to turn around and withdraw money from the General Fund and then allocate the money back to transportation infrastructure, is not the most effective model for funding work critical to the economic health of the state. Rather than increase the support that the DHBTF receives from its dedicated revenue sources, the state has typically transferred funds from one place to another. Operating in this manner makes it difficult to establish a baseline of how much funding is actually needed.

Failure to establish a baseline is especially troubling given the failing status of the DHBTF. What was supposed to be the state's primary transportation infrastructure funding mechanism, according to OSC, has been "primarily devoted to repaying last year's borrowing and supporting current operating expenses, no longer fulfilling its original mission."[24] What was envisioned as a pay-as-you-go fund that would finance capital construction projects has collapsed into an account that, over the last eight years, has disbursed less than 25 percent on average for capital construction. According to the Empire Center, from 2012 through 2019, debt service has constituted 38.7 percent of spending, state operations 38.5 percent, and capital projects spending just 22.7 percent.[25] Additionally, the following chart shows that in FY 2018, only $615 million of total DHBTF disbursements were used for capital projects. State operations (including administrative and engineering costs) and debt service combined were more than $3.04 billion of fund spending. For a fund intended to be used for highway and bridge capital construction, its actual capital project outlays are now dwarfed by spending unrelated to the fund. For the DHBTF to serve its intended purpose, it is crucial that action is taken to ensure funding is spent on capital construction and not spent disproportionately on operational



expenses and debt service.

In its current form, it is clear that the DHBTF is no longer capable of delivering the infrastructure investment needed. Recently, there has been a realignment of the usage of the DHBTF; however, without further reform, the state will continue to have a dedicated transportation infrastructure trust fund, but only by name. In the SFY 2018-19 Enacted Budget, operating programs like NYSDOT Snow and Ice Removal, the NYSDOT Motor Carrier Safety Program, and the DMV Motorcycle Safety Program were all moved out of the DHBTF. Removing operating programs like these, and returning the DHBTF to its original intended purpose of infrastructure construction, is imperative to ensuring the state has a fund dedicated to adequately investing in infrastructure assets.

Aside from strengthening the dedicated revenue support that critical and transportation infrastructure receives, other methods of financing projects have begun to gain traction with promising results. In order to address the number of infrastructure needs the nation faces, performance-based infrastructure projects, also called public-private partnerships, are increasingly being considered viable options. In 2011, New York State tentatively moved forward by allowing five state agencies and authorities to use design-build procurement, a simplified and limited version of public-private partnerships.[26] However, since then, New York has failed to expand its usage of the process. In July 2018, the McKinsey Institute showed there is a growing body of evidence that suggests public-private partnerships complete projects on-time and on-budget at a rate greater than the traditional government approach.[27] Despite the evidence public-private partnerships are successful, New York has failed to take advantage of its emerging potential. As of February 2018, 35 states (not including New York), the District of Columbia, and Puerto Rico all have public-private partnership laws in place.[28] While public-private partnerships are not suitable for every transportation infrastructure scenario, the potential benefits of on-time delivery, reduced costs, and diversified risk are all too great to be left unexplored.

SOLUTIONS:

- Ensure funding parity between the upcoming NYSDOT and MTA Five-Year Capital Programs
- Increase CHIPS base aid by $100 million per year for five years to a total of $938.1 million per year
- Tie CHIPS to the Consumer Price Index (CPI) to account for inflation and increasing material costs
- Establish a culvert funding program for municipalities using a CHIPS-like formula based on the length of culverts within the municipality
- Increase the Arterial Highway Reimbursement Rate paid to municipalities for doing work on state roads from $0.85 to $1.80 to account for CPI inflation. The reimbursement rate has not been increased since 1987 (A.10266, Palmesano; 2017-2018)
- Continue the PAVE-NY program through the NYSDOT 2020-2024 Capital Program and add EWR to the 2020-2024 Capital Program to help municipalities plan for infrastructure improvements. Conversely, this funding could be consolidated and added to the CHIPS base aid formula through the CHIPS program
- Continue BRIDGE NY in the NYSDOT 2020-2024 Capital Program and increase funding for the local portion to $500 million per year, including more funding for culverts
- Dedicate a portion of the revenue from the state sales tax on motor fuels to the DHBTF to fund capital projects (A.3871, Palmesano; 2017-2018)
- Enact legislation mandating that all funding for the DHBTF is to be used for capital infrastructure. Remove NYSDOT and DMV operational expenses and debt service payments from the fund
- Establish a workgroup to study alternate methods of funding transportation infrastructure
- Explore opportunities to develop public-private partnerships to undertake infrastructure projects
- Call on the federal government for increased infrastructure funding

RULES AND REGULATIONS

While localities are increasingly looking to streamline processes to save money and increase the cost effectiveness of road, bridge, and other critical infrastructure projects, cumbersome rules and regulations have proved a serious impediment. Depending on the source of money for a given project, localities may be constrained to federal, state, or local rules and regulations, and in some instances a myriad of all three. Understanding and complying with these complex rules can, in many cases, incur extensive costs threatening the viability of projects. At the forums, participants talked about the consequences of increased state rules and regulations. At one forum, a structural engineer said inspection costs have risen. A specific bridge project in his area was required to have three on-site inspectors, which he considered "overkill."

MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE)

Other state requirements further threaten the ability of municipalities to efficiently take on infrastructure projects. For example, under current MWBE regulations, government contractors are required to aim for a goal that dictates 30 percent of their total subcontract services go to MWBEs. However, depending on the region and industry, finding suitable and competitive MWBE contractors can be exceedingly difficult. The statewide provision fails to take into account that while minority- and women-owned businesses play an essential role in bolstering the state's economy, their distribution is not as evenly spread throughout the state as the 30 percent blanket provision implies.

At the forums, professionals spoke about the difficulties of finding enough suitable MWBE subcontractors to satisfy the requirement, and as a result, contractors can spend months searching for appropriate subcontractors that fit the MWBE criteria, thereby creating costly delays. These issues are especially prevalent in the construction industry in the Southern Tier, Central New York, and Western New York where business demographics may not be able to support the 30 percent goal laid forth by the governor. For example, at one particular forum, a mayor of a small city noted how the regulatory requirement to use a MWBE contractor for a project forced the city to use a company from Pennsylvania because they could not find any qualifying companies in the surrounding area. At a number of forums, concerns with the MWBE requirements were a common theme.

> "THE OTHER THING WE'RE FACING ARE THE RIDICULOUS MWBE REQUIREMENTS…HOW DO YOU PUT A 30 PERCENT REQUIREMENT ON A RURAL COUNTY? IT'S HOLDING UP WORK AND IT'S DISCRIMINATING AGAINST LOCAL EMPLOYEES..."
>
> - BILL SCHMITZ
> FAIR COMMITTEE OF WNY BOARD MEMBER/
> GERNATT ASPHALT PRODUCTS, INC.

While efforts to encourage increased MWBE access to contracting opportunities are recognized as worthwhile, the blanket 30 percent requirement does not accurately account for demographic differences across the state. In fact, in some areas, this regulation has had profound negative consequences for the engineers, contractors, and officials charged with ensuring the regulations are adhered to as dictated by state law. Bill A.1549-A (Crouch; 2017-2018) would align MWBE requirements with the economic development region where the work is taking place, rather than applying a statewide requirement.

AMERICANS WITH DISABILITIES ACT (ADA)

Speakers at the forums expressed difficulties complying with other regulations as well, including the ADA, a federal law that establishes requirements to ensure newly designed or altered places of public accommodation, including state- and locally-owned government properties and private businesses, are accessible to individuals with disabilities.[29] NYSDOT works continuously to ensure that its policies and design practices are aligned with the most current ADA provisions. As of 2014, ADA accessibility applies not only to road reconstruction and rehabilitation projects, but also to road resurfacing projects.[30]

As resurfacing projects make up a large percentage of road work that municipalities undertake, this change at the federal level has had implications that now affect villages, towns, and cities across New York, especially those with small transportation budgets. For example, at one forum a participant said in some instances, costs related to installing ADA compliant sidewalks and curbs have deterred small municipalities from undertaking projects entirely. Improving accessibility is an important pursuit, not just in infrastructure construction, but in all aspects of society. To successfully complete projects and increase accessibility simultaneously, the state should implement policies that provide funding for ADA-related improvements. However, when budgets are tight and maintenance work cannot be completed due to the costly nature of ADA provisions, localities should be allowed to pursue alternatives. Feedback gathered at the forums indicated it would be beneficial to municipalities to maintain in-kind rather than have to upgrade curbing and sidewalks simply to keep roads in a state of good repair.

CHIPS REGULATIONS

CHIPS guidelines and regulations were another common theme at the forums. Many participants said the funding received through CHIPS would be better utilized if municipalities had a higher degree of autonomy over the usage of their CHIPS funds. Currently, NYSDOT restricts certain project activities from CHIPS eligibility, making activities such as pavement patching, pothole repairs, crack sealing, slurry sealing, and snow removal ineligible.[31] However, in some instances it is more cost effective for these municipalities to

maintain roads with some of the above mentioned methods rather than having to wait to use one of the eligible activities. As discussed previously, delaying maintenance only further deteriorates roads, which then translates to more costly repairs in the long run. Reducing restrictions on eligible CHIPS activities would allow DPWs, highway superintendents, and other elected officials greater flexibility to do what makes the most sense for that particular municipality, in that particular situation, while saving money in the process. The competitive bidding threshold also restricts municipalities' use of CHIPS funds. Under current law, CHIPS-eligible project estimates exceeding $250,000 must be performed under contract through a competitive bidding process. Although there are many projects that could be performed in-house, municipalities are required to bid out these projects to utilize CHIPS funding, resulting in increased costs and project delays. Bill A.8808 (Palmesano; 2017-2018) would address this issue by increasing the competitive bid threshold from $250,000 to $500,000, allowing municipalities more flexibility and potentially create cost savings through an increase in in-house work.

Across the state, the task force spoke with countless experienced professionals, and simply increasing their autonomy would provide them with the flexibility needed to ensure the infrastructure in their localities stays well maintained.

BRIDGE NY

At the forums, feedback also included frustration with the BRIDGE NY program. While many were complimentary of the program's goals and agreed that it is vitally important to infrastructure investment, over the years the BRIDGE NY application has morphed into a complex process requiring trained engineers to fill out the forms. In describing the application, one speaker said the process "was prohibitive if not a complete impediment." While BRIDGE NY has been successful in its foresight to increase infrastructure aid to localities, NYSDOT should work to refine and streamline the current application process to better aid municipalities.

> "I JUST PUT IN FOR A BRIDGE FUND GRANT THIS YEAR AND THE PAPERWORK WAS ASTRONOMICAL… UNBELIEVABLE FOR A SMALL LITTLE TOWN SUCH AS US."
>
> – STEPHEN FEDRIZZI
> TOWN OF VENICE HIGHWAY SUPERINTENDENT

PREVAILING WAGE

The prevailing wage rate system was another issue brought up at the forums. For example, the current system was described as a regulatory burden that was overly complex and unreasonably costly, driving project expenses up substantially. New York's prevailing wage rate system, in particular, is difficult to calculate with rates often differing in neighboring counties. For example, the Bureau of Public Work within the Department of Labor determines what is considered a public work and how the prevailing wage rates are set. The rates for each task and the classification of workers are determined by the Bureau of Public Work using factors including: collective bargaining agreements, the nature of the work, jurisdictional agreements and decisions, and historical practice. This criterion can drive up construction costs by up to 25 percent depending on the region where the work is being done,[32] making it difficult for municipalities to adhere to construction budgets. Ensuring that workers in these industries are paid a living wage is important; however, this is another example demonstrating why the state should provide funding support when placing burdensome mandates on municipalities.

SHARED SERVICES

Lastly, participants discussed Countywide Shared Services Panels and how the program applies to transportation initiatives. Under the program, local governments that demonstrate savings from new shared service actions are eligible for a matched savings reimbursement from the state.[33] However, the current program makes no exceptions for shared-service initiatives that took place prior to the establishment of the program. At the forums, DPW representatives and highway superintendents explained the shared services agreements they have already been utilizing are ineligible for state-matched savings under the program. One speaker noted the initiative has the potential to punish local governments that have been doing their due diligence pursuing cost-saving measures, while rewarding local governments that have not. One possible solution would be to make some of the past savings eligible for a state match when significant cost savings were demonstrated.

Testimony gathered by the task force showed that while rules and regulations are necessary parts of all transportation and critical infrastructure projects, they are also costly and can significantly increase the length of time between project start and completion. At times when construction budgets are tight and the backlog of work continues to grow, no municipality – large or small – can afford to spend significant amounts of their budgets navigating rules and regulations unless proven absolutely necessary. Current rules and regulations that apply to critical infrastructure and transportation projects should be re-evaluated for their necessity and feasibility.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Rules and regulations associated with the DEC were discussed at a number of the forums. Environmental Impact Assessments and costs associated with reviews and studies are factors imposed by DEC that make infrastructure improvements difficult to achieve in a time-efficient manner. For example, an engineer mentioned that archaeological studies required by DEC can delay projects up to six months. In the northeast, a region with a short construction season, delays like these can result in years before a project is able to proceed. Aside from the substantial time investment that studies and assessments draw from municipalities, the associated costs can also be detrimental. During one forum, an engineer estimated his office had spent more than $150,000 in 2018 complying with DEC regulations.

Another DEC regulation, Part 360, has further hampered the ability of municipalities to complete infrastructure projects. Part 360 created stringent regulations on the transport and stockpiling of certain materials including recycled asphalt, cement, and concrete. In turn, these regulations have forced municipalities to avoid using recycled materials and instead use more

expensive virgin materials, which drive up costs. Reducing regulations on recycled products such as asphalt and concrete would decrease the costs of projects for municipalities thus saving taxpayer dollars, and would better aid the environment by allowing for the use of recycled materials.

TAX CAP

Since 2011, New York State has placed a 2 percent cap on yearly increases in property tax levies for local governments and school districts.[34] Certain expenditures are excluded from the tax levy limit including the local portion of capital expenditures for school districts and certain employer contributions to the various New York State retirement systems. This cap, although generally effective and a welcome deterrent to increasing taxes, can also prevent municipalities from raising required funds for much-needed infrastructure projects.

During the forums, participants mentioned that extending the tax cap exclusion to infrastructure capital projects would increase the ability of localities to undertake much-needed repairs, especially in instances where massive storms, like Hurricane Sandy, cause tremendous damage to local infrastructure. In these instances, obtaining funding for repairs under the tax cap can be difficult. A viable solution to address this issue is to include critical infrastructure projects as tax cap exempt expenditures if the projects were necessitated due to storm or major disaster recovery.

SOLUTIONS:

- Base MWBE requirements off of business demographics in their respective region instead of using a statewide requirement (A.1549-A, Crouch; 2017-2018)
- Allow municipalities to maintain in-kind for projects that would require additional ADA work
- Reduce the number of ineligible CHIPS activities to allow slurry seals, crack seals, pavement patching, pothole repairs, snow removal, and other maintenance activities
- Increase the CHIPS competitive bidding threshold from $250,000 to $500,000 (A.8808, Palmesano; 2017-2018)
- Streamline the BRIDGE NY application process to reduce complexity or ensure that NYSDOT engineers are available to aid municipalities with the process
- Develop a five-year lookback for municipalities that can demonstrate significant savings that would have made them eligible for the Countywide Shared Service Property Tax Savings Initiative
- Amend Chapter 97 of the Laws of 2011 to include storm- and disaster-related critical infrastructure projects as tax levy cap exempt expenditures.

WATER AND SEWER

Just as New York State must take action to address its road and bridge infrastructure, water and sewer needs require immediate and critical attention. However, whereas roads and bridges are assets that we see and use every day, water and sewer needs have remained, as one forum participant described, "an invisible issue." The 2017-18 Enacted State Budget included a $2.5 billion appropriation for the Clean Water Infrastructure Act (CWIA), a five-year investment in programs designed to support water and sewer infrastructure improvements. This investment built upon the Water Infrastructure Improvement Act of 2015 and provided a significant boost in funding for projects to improve the state's aging water infrastructure systems. In addition, Congress recently passed America's Water Infrastructure Act of 2018, designed to aid states with drinking water, storm water, and waste water infrastructure improvements.[35] Both state and federal water infrastructure programs are positive signs that both levels of government recognize the necessity of increased funding for these critical assets. While they are both programs that will undoubtedly prove beneficial, more must be done to ensure the quality and security of our water supply in the future.

A 2017 report issued by OSC indicated a $40 billion need over the next 20 years for drinking water infrastructure alone. The Comptroller noted that many of the state's drinking water systems are more than 100 years old and are operating far beyond their intended useful life. As indicated by many speakers at various forums, additional funding is critical for repairs, upgrades, and replacement of existing water infrastructure systems.

In 2017, DEC Commissioner Basil Seggos testified that the total 20-year-need for both drinking and wastewater infrastructure systems in the state was nearly $80 billion.[36]

Among the notable issues speakers at the forums addressed, flexibility with which to use this CHIPS-like formula for water and sewage projects was emphasized as a logical and efficient solution to an array of problems that local municipalities are experiencing. On Long Island, for example, approximately 75 percent of residents in Suffolk County do not have sewer service and rely on cesspools and septic tanks. This contributes to the leaching of nitrogen directly into the groundwater. Funding could be used to upgrade residential septic treatment systems to reduce nitrogen levels, thus reducing the pollution that leads to the degradation of wetlands and the risk of harmful algal blooms. Funding has also been requested to enhance waste water treatment projects already in progress such as for the tying in of business and residential connections to new treatment systems, in addition to supporting general water infrastructure upgrades occurring in Nassau and Suffolk counties.

At the forums, participants stressed that water and sewer infrastructure also has the ability to either

attract or repel businesses away from a municipality. Wineries, poultry processing, distilleries, and many manufacturing businesses are water-intensive industries that rely on reliable water infrastructure.[37] Localities whose systems are in a poor state of repair are less likely to attract businesses that rely on public water infrastructure for production purposes.

SOLUTIONS:

- Continue support for, and expand, the CWIA to ensure long-term commitment to water and sewer infrastructure in the state
- Establish a companion for the existing CHIPS program, offering financial assistance to local governments for drinking, storm, and sewer water infrastructure, called the Water Infrastructure Investment Program (WIIPS)

LONG-RANGE PLANNING

Because transportation infrastructure has drastic ramifications on the economic and social quality of life, strategic long-range planning is imperative. New York State maintains specific planning documents that shape its transportation objectives, including the Statewide Transportation Improvement Plan (STIP) and the Transportation Asset Management Plan (TAMP). These plans help organize active and proposed projects, timelines, and cost-saving guidelines. Unfortunately, whereas information included in the STIP and TAMP can be useful in shaping planning policy, the most recent NYSDOT Five-Year Capital Program was shaped less by the information and expertise contained in these documents and more by negotiations between legislative leaders and an MOU.[38] In his report on the SFY 2016-17 Enacted Budget, the State Comptroller concluded the following about the five-year capital plan process: "Greater transparency and clarity with respect to allocations of infrastructure funds is critical to ensure that these resources are properly prioritized and help move important capital projects forward."[39] The most recent five-year capital program appropriates more than $27 billion for transportation improvements, yet NYSDOT is not statutorily required to submit a capital plan. When appropriating such substantial amounts of money, the public and elected officials deserve an opportunity to review NYSDOT's plans before granting approval.

Ensuring parity between the upcoming NYSDOT Five-Year Capital Program and the MTA Five-Year Capital Program must also be a top priority for policy makers in the state. There is no question of the vital role the MTA plays in the New York City Metropolitan area. The MTA is the centerpiece of New York City's transportation landscape and an invaluable resource in providing access. In turn, the need to adequately fund the MTA is both recognized and supported. However, state funding for the MTA must not come at the expense of the rest of the state's transportation system and the millions of New Yorkers from every other region who depend on safe and reliable roads and bridges every day. Roads and bridges are not only the lifeblood of New York's upstate transportation system, but also serve as the backbone of state's economy. It is imperative that policymakers send a unified message of funding parity when adopting the next five-year capital programs for the MTA and NYSDOT.

Beyond the capital program planning process, New York State needs to refocus and update its long-range transportation plan. The state must present a cohesive, strategic, and transparent vision for its transportation infrastructure future; it can no longer afford to ignore the need for long-range planning. NYSDOT's most recent strategic plan, *Strategies for a New Age: New York State's Transportation Master Plan for 2030*, was released in 2006.[40] Since its release, it has not been revised or updated. In more than 12 years, including the Great Recession, the rise of ridesharing, cashless tolling, and countless technological advances have come and gone without any

> "HAVING A STATE [TRANSPORTATION] PLAN IS KEY TO ALL THESE DIFFERENT PROGRAMS WE'VE GOT…ANOTHER 5-YEAR TRANSPORTATION PLAN IS CRITICAL."
>
> – DAN CRANDELL
> SCHOHARIE COUNTY DEPARTMENT OF PUBLIC WORKS COMMISSIONER

revision to the original plan. Without an upgraded long-range strategic plan, the state's current bevy of projects is unnecessarily disjointed and shortsighted. The Federal Transit Administration notes that transportation planning "plays a fundamental role in a state, region, or community's vision for its future." Part of the reason New York State currently faces an infrastructure crisis is because of a failure to create and execute a vision for the future. To ensure the future prosperity of the state, officials must engage in long-range planning that is adept and achievable.

In no place was the importance of long-range planning more evident than in Suffolk and Nassau counties. Forum participants said Nassau and Suffolk counties now account for 20 percent of the state's registered vehicles, and when you add Kings County and Queens County into the mix, these four areas constitute more than 30 percent of the state's registered vehicles.[41] The result of tremendous population growth creating densely populated areas has led to gridlock that is not just frustrating for residents, but costs billions of dollars in lost productivity and accident-related damage each year. Had long-range planning been employed when roads like the Long Island Expressway, Cross Island Parkway, and Cross Bronx Expressway were being constructed, they may have been built with high population growth in mind, saving today's drivers time and money. Instead, these are now some of the nation's most congested roads, and drivers on them can expect to spend many hours each year stuck in traffic.[42]

In areas where geography and heavy population make infrastructure investments especially expensive or difficult to undertake, there must be alternative means of transportation available. At the Suffolk forum, participants expressed frustration about the quality of available bus service. In areas like Long Island that are afflicted by congestion, ensuring buses are functional and abundant can be an effective means of improving issues created by limited geography and heavy population.

Besides constant congestion, local officials in Suffolk and Nassau counties discussed the challenges of dealing with storms and associated flooding. The devastating effects of Superstorm Sandy (many municipalities in the region are still grappling with the aftermath) are clear indicators that critical and transportation infrastructure in these areas must be improved. In some areas of Long Island, even normal thunderstorms can create flooding that requires low lying roads to close. Intelligent long-range planning should be used to address issues that inhibit productivity, result in flood damage, and create hazardous situations.

SOLUTIONS:

- Direct NYSDOT to develop a 20-30-year long-term transportation plan
- Statutorily require NYSDOT to submit its capital plan for approval

PUBLIC AWARENESS AND EDUCATION

One of the largest hurdles to fixing New York State's transportation and critical infrastructure is educating the public and increasing awareness about the importance of infrastructure investment. However, many facets of transportation and critical infrastructure involve a great deal of complexity that, admittedly, is difficult to understand. Infrastructure ownership, financing and funding issues, and construction and engineering techniques are often far too convoluted for those outside the industry to grasp. What's more, many look at the billions of dollars already spent on transportation infrastructure and assume there is adequate funding for it, not realizing the need is indescribably greater and growing every day.

It is clear that one of the most important issues we face today in our efforts to fix New York State's transportation infrastructure is making the average New Yorker aware of this burgeoning issue. Unfortunately, there are certain types of news stories that regularly dominate the public's attention and transportation infrastructure stories are rarely among those that land on the front page. Only when there is an unfortunate, deadly disaster, such as a bridge collapsing or a sinkhole opening on a road, does public attention turn to transportation infrastructure. However, according to the Committee for Economic Development, surveys show that Americans are willing to pay their share to support roads and bridges provided they see in return a benefit to their quality of life.[43] Therefore, to increase the public awareness needed to bring about meaningful change to our transportation infrastructure, more attention must be made to increasing the effectiveness of, and scope of, public awareness campaigns.

PUBLIC SAFETY

Public safety is every bit as important as the economic and social benefits that come with well-maintained infrastructure. Across the state, people depend on roads and bridges to access healthcare and to allow first responders to do their critical work for our communities. We depend on our water infrastructure to ensure both clean and safe drinking water and safe sewage treatment. Although tragedies involving these types of assets are rare, when there is a bridge failure or a contaminated water issue, the consequences are often grave. Currently, the state has 91 bridges that are closed and deemed unsafe.[44] The state also has more than 2,000 bridges that are rated structurally deficient. Structurally deficient bridges, while not technically unsafe, either have load-bearing elements that are in poor condition or are prone to repeated flooding.[45]

The rapid changes in technology provide a wealth of possibilities that can increase the public safety elements of New York's critical and transportation infrastructure. We must ensure that leaders and decision makers are not only apprised of new technology, but are educated on the ways it can be applied to infrastructure projects. For example, technology called mobile infrared transmitters (MIRT) currently exists to preemptively ensure traffic lights in the path of emergency services vehicles stay green so they can travel unimpeded in the event of an emergency. Other devices, such as school bus cameras, can aid in protecting children coming to and from school and can help cut down on the estimated 50,000 cars that illegally pass school buses every day.[46] Emerging technology can improve public safety and warrants the attention of not only NYSDOT, but every municipality in the state. By consistently incorporating new technology into infrastructure improvement plans we can make decisions that not only promote public safety but are more fiscally responsible as well.

The "Move Over" Law was consistently brought up by first responders and other participants during forums. Many were overwhelmingly supportive of the passed legislation and touted its importance. Although it was enacted into law in New York State, first responders and drivers continue to perish in fatal traffic accidents due to drivers in violation. In places where the "Move Over" Law is especially critical—in congested areas, on narrow roads, and on highways—adherence to this law can be the difference between life and death. In order to better protect those the "Move Over" Law was designed to protect, better promotion and awareness is needed.

SOLUTIONS:

- Create a program through NYSDOT to provide MIRT technology to municipalities
- Create a program that provides funding to school districts for the installment of school bus cameras
- Require the state to improve upon and reinstate the "Move Over" Law awareness campaign to further educate motorists

TASK FORCE RECOMMENDATIONS

The current status of New York State's transportation infrastructure needs addressing at the local, state, and federal levels. Conditions of our bridges, roads, and sewers remain subpar and without substantial change they will continue to hamper the economic and social quality of life for too many New Yorkers. By employing timely and transparent reporting, streamlining rules and regulations processes, providing reliable and adequate investment, creating strategic long-range plans, and improving public awareness and education, we can ensure we have the tools to fix our transportation infrastructure and provide access to economic opportunities, healthcare, and education.

FINANCING AND FUNDING

- Ensure funding parity between the upcoming NYSDOT and MTA Five-Year Capital Programs
- Increase CHIPS base aid by $100 million per year for five years to a total of $938.1 million per year
- Tie CHIPS to the CPI to account for inflation and increasing material costs
- Continue support for, and expand, the CWIA to ensure long-term commitment to water and sewer infrastructure in the state
- Establish a companion for the existing CHIPS program, offering financial assistance to local governments for drinking, storm, and sewer water infrastructure, called the Water Infrastructure Investment Program (WIIPS)
- Establish a CHIPS-like formula for culverts based on the length of culverts within the municipality
- Increase the Arterial Highway Reimbursement Rate paid to municipalities for doing work on state roads from $0.85 to $1.80 to account for CPI inflation. The reimbursement rate has not been increased since 1987 (A.10266, Palmesano; 2017-2018)
- Continue the PAVE-NY program through the NYSDOT 2020-2024 Capital Program and add EWR to the 2020-2024 Capital Program to help municipalities plan for infrastructure improvements. Conversely, this funding could be consolidated and added to the CHIPS base aid formula through CHIPS
- Continue BRIDGE NY in the NYSDOT 2020-2024 Capital Program and increase funding for the local portion to $500 million per year, including more funding for culverts
- Enact legislation mandating that all funding for the DHBTF is to be used for capital infrastructure. Remove NYSDOT and DMV operational expenses and debt service payments from the fund
- Dedicate a portion of the revenue from the state sales tax on motor fuels to the DHBTF to fund capital projects (A.3871, Palmesano; 2017-2018)

- Establish a workgroup to study alternate methods of funding transportation infrastructure
- Explore opportunities to develop public-private partnerships to undertake infrastructure projects
- Call on the federal government for increased infrastructure funding
- Create a program through NYSDOT to provide MIRT technology to municipalities
- Create a program that provides funding to school districts for the installment of school bus cameras

RULES AND REGULATIONS

- Base MWBE requirements off of business demographics in the respective region instead of using a statewide requirement (A.1549-A, Crouch; 2017-2018)
- Reduce the number of ineligible CHIPS activities to allow slurry seals, crack seals, pavement patching, pothole repairs, snow removal, and other maintenance activities
- Increase the CHIPS competitive bidding threshold from $250,000 to $500,000 (A.8808, Palmesano; 2017-2018)
- Allow municipalities to maintain in-kind for projects that would require additional ADA work
- Streamline the BRIDGE NY application process to reduce complexity or ensure that NYSDOT engineers are available to answer questions from municipalities
- Develop a five-year lookback for municipalities that can demonstrate significant savings that would have made them eligible for the Countywide Shared Service Property Tax Savings Initiative
- Amend Chapter 97 of the Laws of 2011 to include storm- and disaster-related critical infrastructure projects as a tax levy cap exempt expenditure
- Require the state to improve upon and reinstate the “Move Over” Law awareness campaign to further educate motorists

LONG-RANGE PLANNING AND REPORTING

- Statutorily require that NYSDOT release a report each year detailing the condition of state-owned roads and bridges
- Direct NYSDOT to develop a 20-30-year long-term transportation plan
- Statutorily require NYSDOT to submit its capital plan for approval

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